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REMARKS

Applicants acknowledge the Examiner's review of the specification, claims, and drawings. In light of the above amendments and following remarks, Applicants respectfully request reconsideration of the present application. The amendments and remarks presented herein are fully supported by the application as originally filed. No new matter has been entered.

STATUS OF THE CLAIMS:

Claims 1-8 and 10-31 are pending in the application.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112:

The Examiner rejects Claim 12 under 37 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants have amended Claim 12 to depend from Claim 11, which Applicants believe overcome the 35 U.S.C. § 112, second paragraph rejection of the claim. Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 112, second paragraph, rejection.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102:

The Examiner rejects Claims 1, 6, 8 and 9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,631,030 to von Weissenfluh.

Applicants respectfully traverse. Notwithstanding, Applicants have cancelled Claim 9 and amended Claims 1 and 6 as follows:

1. A dental wedge comprising:
 an elongate body having a lower surface, a distal end, and a proximal end tapering to said distal end, said distal end defining an insertion end for inserting the interproximal area between adjacent teeth, said elongate body having a first portion

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starting at said distal end, a second portion ending at said proximal end, and an intermediate portion between said first and second portions, said first portion having a generally triangular-shaped cross-section, and said second portion having a generally trapezoidal-shaped cross-section and said first and second portions angled relative to said intermediate portion wherein said first and second portions are tilted upwardly relative to said lower surface of said intermediate portion.

6. The dental wedge according to Claim 1, wherein said elongate body has an outer surface, said outer surface being formed from a compressible high friction material.

With respect to Claim 1, Applicants respectfully urge that von Weissenfluh '030 does not disclose or suggest the claimed combination. For example, von Weissenfluh does not disclose or suggest a dental wedge that includes an elongate body with the first and second portions, as called for in the claim, being angled relative to the intermediate portion wherein the first and second portions are tilted upwardly relative to the lower surface of the intermediate portion. Further, nor would it be obvious to modify von Weissenfluh to meet the claimed combination, since such a modification would change the operation of the von Weissenfluh device, which is specifically directed to permitting light to be directed into the proximal end of the wedge so that the light is then dispersed through the sides of the edge for illuminating a resin located in the adjacent teeth between which the wedge is placed.

With respect to Claim 6, Claim 6 has further been amended to call for the outer surface to be formed from a compressible high friction material. Applicants respectfully submit that von Weissenfluh does not disclose or suggest the claimed combination. In contrast, von Weissenfluh discloses the use of light reflecting bodies incorporated into the wedge body—von Weissenfluh does not disclose or suggest the outer surface of the wedge being formed from a compressible high friction material.

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With respect to Claim 8, Claim 8 further calls for the elongate body to have a curved longitudinal axis wherein the distal end is tilted upwardly relative to the center of the proximate end of the wedge. Applicant respectfully urges that von Weissenfluh does not disclose the claimed combination for at least the reasons set forth above in reference to Claim 1. Further, Applicants respectfully submit that von Weissenfluh does not disclose a distal end of the wedge being angled upwardly relative to the center of the proximate end.

Therefore, Applicants respectfully submit that Claim 1 and its dependent claims, namely Claims 2-8, are patentably distinguishable over von Weissenfluh alone or in combination with any other reference of record.

The Examiner rejects Claims 1, 6, 8 and 9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,890,900 to Fischer et al.

Applicants respectfully traverse. Notwithstanding, as noted above, Applicants have cancelled Claim 9 and amended Claims 1 and 6. Applicants respectfully urge that Fischer et al. '900 does not disclose or suggest a dental wedge that has first and second portions, as called for in the claim, being angled relative to the intermediate portion wherein the first and second portions are tilted upwardly relative to the lower surface of the intermediate portion. Therefore, Applicants respectfully submit that Claim 1 and its dependent claims, namely Claims 2-8, are patentably distinguishable over Fischer alone or in combination with any other reference of record.

The Examiner rejects Claims 10, 14, and 15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,527,181 to Rawls et al.

Applicants respectfully traverse. Notwithstanding, Applicants have amended Claim 10, which now calls for:

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10. A dental wedge comprising:
 an elongate body having a distal end, a proximal end tapering to said distal end, an intermediate portion between said distal and proximal ends, and a longitudinal axis, said elongate body further having a lower surface, said distal end defining an insertion end, said elongate body having a core extending along at least a portion of said longitudinal axis, said core comprising a first material having a first hardness, said elongate body having an exterior surface formed from a second material having a second hardness, said exterior surface having a substantially uniform thickness along said longitudinal axis, and said second hardness being less than said first hardness to form a generally soft exterior surface, and said distal and proximal ends being angled with respect to said intermediate portion wherein said distal and proximal ends are tilted upward relative to said lower surface of said intermediate portion, to reduce trauma to tissue when said dental wedge is inserted between teeth and wherein said intermediate portion of said elongate body compresses when said wedge is inserted into an interproximal area between adjacent teeth thereby forming enlarged regions on either side of the teeth for abutting the teeth to reduce slippage of said wedge from between the teeth.

Applicants respectfully urge that Rawls does not disclose or suggest, for example, a dental wedge that has an elongate body with proximal and distal ends that are angled with respect to the body's intermediate portion wherein the distal and proximal ends are tilted upward relative to the lower surface of the intermediate portion to reduce trauma to tissue when said dental wedge is inserted between teeth.

Therefore, Applicants respectfully submit that Claim 10 and its dependent claims, namely Claims 11-16, are patentably distinguishable over Fischer alone or in combination with any other reference of record.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103:

The Examiner rejects Claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Fischer et al. '900 in view of U.S. Patent No. 6,402,514 to Fischer et al.

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Applicants respectfully urge that Claims 2 and 3 are patentably distinguishable over Fischer et al. '900 in view of Fischer et al. '514 for at least the reasons set forth above in reference to Claim 1. Further, Applicants respectfully submit that Fischer et al. '514 does not cure the deficiencies of Fischer et al. '900. For example, Fischer et al. '514 does not disclose or suggest a dental wedge with an elongate body having first and second portions, as called for in the claims, which are angled relative to the intermediate portion wherein the first and second portions are tilted relative to the lower surface of the intermediate portion.

Therefore, Applicants respectfully submit that Claims 2 and 3 are patentably distinguishable over Fischer et al. '900 in view of Fischer et al. '514 or in view of any other reference of record.

The Examiner rejects Claims 4-7 and 10-16 under 35 U.S.C. § 103(a) as being unpatentable over Fischer et al. '900 in view of U.S. Patent No. 2,867,905 to Mecham.

Applicants respectfully traverse. Applicants respectfully submit that Claims 4-7 are patentably distinguishable over Fischer et al. '900 for at the reasons set forth above in reference to Claim 1. Further, Applicants respectfully submit that Mecham '905 does not cure the deficiencies of Fischer. For example, Mecham does not disclose or suggest a dental wedge with an elongate body having first and second portions, as called for in the claims, which are angled with respect to the intermediate portion wherein the first and second portions are tilted with respect to the lower surface of the intermediate portion.

Therefore, Applicants respectfully submit that Claims 4-7 are patentably distinguishable over Fischer '900 in view of Mecham '905 or any other reference of record.

With respect to Claims 10-16, Applicants respectfully urge that neither Fischer nor Mecham disclose or suggest, for example, a dental wedge that has an elongate

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body with proximal and distal ends that are angled with respect to the body's intermediate portion wherein the distal and proximal ends are tilted upward relative to the lower surface of the intermediate portion to reduce trauma to tissue when said dental wedge is inserted between teeth.

Therefore, Applicants respectfully submit that Claims 10-16 are patentably distinguishable over Fischer '900 in view of Mccham '905 or any other reference of record.

The Examiner rejects Claims 10, 13-15, and 17-21 under 35 U.S.C. § 103(a) as being unpatentable over Mecham '905 in view of Fischer et al. '514.

As noted above, Claim 10 has been amended. Applicants respectfully submit that neither Mecham '905 nor Fischer et al. '514, for example, a dental wedge that has an elongate body with proximal and distal ends that are angled with respect to the body's intermediate portion wherein the distal and proximal ends are tilted upward relative to the lower surface of the intermediate portion to reduce trauma to tissue when said dental wedge is inserted between teeth.

With respect to Claim 17, Claim 17 has been amended to call for:

17. A dental wedge comprising:
 an elongate body having a distal end, an intermediate portion, and a proximal end tapering to said distal end, said distal end comprising a rounded distal end and defining an insertion end, said elongate body including a base with a base side and a pair of angled tapered sides generally free of protuberances or indentations, said distal end and said proximal end being tilted upwardly with respect to said base wall of said intermediate portion, and said angled tapered sides being joined with said base side and forming rounded corners with said base side wherein said elongate body is free of sharp edges at said base to minimize trauma to tissue when said dental wedge is inserted between teeth.

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Applicants respectfully submit that neither Mecham nor Fischer '514 discloses or suggests the claimed combination. For example, neither Mecham nor Fischer '514 discloses or suggests a wedge with an elongate body having a distal end, an intermediate portion, and a proximal end tapering to the distal end, with the distal and said proximal ends being tilted upwardly with respect to the base wall of said intermediate portion.

Therefore, Applicants respectfully submit that Claims 10, 13-15, and 17-21 are patentably distinguishable over Mecham '905 in view of Fischer et al. '514 or any other reference of record.

The Examiner rejects Claims 22-31 under 35 U.S.C. § 103(a) as being unpatentable over Fischer et al. '900 in view of Mecham '905 and further in view of Fischer et al. '514.

Applicants note that the Examiner has rejected Claims 22-31 under 35 U.S.C. § 103(a) as being unpatentable over Fischer '900 in view of Mecham '905 as applied to Claims 4-7 and 10-16 and, further, in view of Fischer '514. However, Applicants respectfully note that Claims 22-23 depend from Claim 17, and Claims 25-31 depend from Claim 24.

Applicants respectfully urge that neither Fischer '900 nor Mecham '905 nor Fischer '514 alone or in combination discloses or suggests the combination called for in Claims 22-23. For example, none of Fischer '900, Mecham '905, and Fischer '514 discloses or suggests a dental wedge with an elongate body having a distal end, an intermediate

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portion, and a proximal end tapering to the distal end, with the distal and said proximal ends being tilted upwardly with respect to the base wall of said intermediate portion.

Therefore, Applicants respectfully submit that Claims 22-23 are patentably distinguishable over Fischer '900 in view of Mecham '905 in view of Fischer '514 or in view of any other reference of record.

Applicants have amended Claim 24 as follows:

24. (currently amended) A dental wedge comprising:
 an elongated body having a lower side with a lower surface, a distal end, a proximal end tapering to said distal end, and a longitudinal axis, said distal end comprising a rounded distal end and defining an insertion end for inserting into an interproximal area between adjacent teeth, said distal end tilted upwardly from said longitudinal axis and said lower side, said proximal end tilted upwardly with respect to said lower side, said elongate body including a cross-section with curved sides and at least two rounded corners, said curve sides presenting an increased area of contact with the adjacent teeth and surrounding gum tissue wherein said increased area of contact reduces slippage of said dental wedge and said rounded corners and rounded distal end reduce trauma to the tissue when said dental wedge is inserted in the interproximal area between adjacent teeth.

Applicants respectfully urge that neither Fischer '900, nor Mecham '905, nor Fischer '514 discloses or suggests, for example, a wedge that includes elongate body with a proximal end tilted upwardly with respect to said lower side of the body.

Therefore, Applicants respectfully submit that Claims 24-31 are patentably distinguishable over Fischer '900 in view of Mecham '905 or Fischer '514 or in view of any other reference of record.

Should the Examiner have any questions or suggestions, the Examiner is invited to contact the undersigned at (616) 975-5506 or at collins@vglb.com.


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Respectfully submitted,

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June 9, 2006
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